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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,082	07/17/2003	Karen L. Boso	11492/288	1846

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EXAMINER

SAFAVI, MICHAEL

ART UNIT PAPER NUMBER

3673

DATE MAILED: 02/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/622,082	Applicant(s) BOSO ET AL.	
	Examiner M. Safavi	Art Unit 3673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 17-43 is/are rejected.
- 7) ☒ Claim(s) 12-16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/21/05</u> . | 6) <input type="checkbox"/> Other: _____ |

Information Disclosure Statement

It is noted that Examiner has already cited U.S. Patent No. 5,598,593 to Wolfe in the Office action of July 18, 2005.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 23-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 23, line 3, it is not clear as to which top layer "said top layer" refers.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 17-21, 33 and 40-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,618,884 to Wu in view of U.S. Patent No. 1,371,919 to Mahony.

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As concerns claims **1, 17-21, 33, and 40**, Wu discloses, Figs. 5 and 6, an inflatable support system comprising a lower chamber 1 comprised of a top and bottom layer 11 and 12, and an upper portion 2 comprising a top and bottom layer 21 and 22. A side gusset of the lower chamber is at side of 1, (**claims 6 and 21**). Wu discloses an inflatable structure having an upper portion 2 in communication with a lower chamber 1 via a plurality of circular openings 111/222 with a hole 222 defined in the bottom layer of the upper portion in substantial alignment with at least one opening 111 defined in the upper layer of the bottom chamber, (**claims 9 and 25-27**). A plurality of chambers can be seen in both the upper and lower portions with structural elements 15, (forming elongated ovals), defined within the lower chamber 1, (**claims 10 and 11**). The upper portion 2 is comprised of a plurality of chambers 24 with outer edge chambers each constituting a "first type" of chamber and with inner chambers each constituting a "second type" of chamber, (**claims 28-31**). The first layer 21 of Wu is welded as at 211 to produce a texture, (**claim 32**).

Wu does not specifically address the elasticity of either the upper portion or the lower chamber, (**claims 1, 17, 33, and 40**). However, Mahony teaches a double layer inflatable mattress having an upper portion formed of an elasticity differing from the lower portion, page 1, lines 43-50 and 69-72. Valves are provided to allow inflation as by a pump, page 1, lines 81-83, (**claims 41-43**).

Therefore, to have formed the Wu mattress with an upper layer possessing an elasticity greater than the lower layer, to allow the upper portion to conform more readily to a users body thus, providing greater comfort, would have been obvious to one having

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ordinary skill in the art at the time the invention was made as taught by Mahony.

Providing for multiple valves, thus allowing advanced inflation would have been a further obvious expedient to one having ordinary skill in the art at the time the invention was made as taught by Mahony as would providing a pump for inflation while deflating via any of the valves.

Claims 2-7, 22-32, 34, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,618,884 to Wu in view of U.S. Patent No. 1,371,919 to Mahony as applied to claims 1, 17-21, 33 and 40-43 above, and further in view of U.S. Patent No. 5,598,593 to Wolfe.

Wu in view of Mahony does not specifically set forth the material used for neither the mattress nor the specific form of attaching the layers together. However, Wolfe discloses Wolfe discloses, Figs. 2, 4, 6, 8, and 9, an inflatable support system comprising a lower chamber 12 comprised of a top and bottom layer 18' and 14, and an upper portion 20 comprising a top and bottom layer 21 and 18', col. 4, lines 4-10. Upper portion 6 and lower chamber 12 are formed of 16-gauge to 28-gauge polyvinylchloride material, col. 4, lines 45-55 and col. 5, lines 12-20, (**claims 2, 22, 34, 35, and 37**). A side gusset of the lower chamber is at 12, (claim 6). Wolfe teaches welding attachment between the upper portion and the lower portion as well as between layers of the upper and lower portions, col. 3, lines 26-29, col. 4 lines 7-10 and 27-32, and col. 5, lines 5-11, (**claims 7 and 24**).

Therefore, to have formed the modified Wu mattress from polyvinylchloride material having any specific gauge thickness including 16-28 gauge thus providing for the varying elasticity's for the upper and lower layers of Wu as modified, would have been obvious to one having ordinary skill in the art at the time the invention was made as taught by Wolfe. Attaching the various layers of the upper portion and lower chamber as well as attaching the upper portion and lower chamber via welds, thus utilizing a well-known technique for attaching layered synthetic materials to achieve a secure bond, would have been a further obvious expedient to one having ordinary skill in the art at the time the invention was made as taught by Wolfe.

Claims 8-11 and 36-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,618,884 to Wu in view of U.S. Patent No. 1,371,919 to Mahony and U.S. Patent No. 5,598,593 to Wolfe as applied to claims 2-7, 22-32, 34, and 35 above, and further in view of U.S. Patent No. 1,580,210 to McCulloch.

Wu in view of Mahony and Wolfe does not appear to disclose the bottom layer of the lower chamber as having a lower elasticity than that of the side gusset or top layer of the lower chamber. However, McCulloch teaches forming a cushion with a lower layer 7 of the inflatable chamber possessing a lower elasticity than the upper layer 8, including side portions thereof.

Therefore, to have formed the lower layer 12 of the modified Wu mattress of a material having a lower elasticity than that of the upper layer 11 and side portions,

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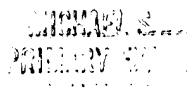
(gussets), thus providing a stable lower layer which may be placed upon a substrate, would have been obvious to one having ordinary skill in the art at the time the invention was made as taught by McCulloch at page 1, lines 67-72.

Claims 12-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to claims 1-43 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Safavi whose telephone number is (571) 272-7046. The examiner can normally be reached on Mon.-Thur., 8:30-5:00.



M. Safavi
January 10, 2006